IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.4061 OF 2006

Ramchandra Gopal Telichari
Since deceased by L.R.
Sanjeevani Ramchandra Telichari. ...Petitioner.

Vs.

Chandrakant Sitaram Chatorkar
& Anr. ...Respondents.

.....

Mr.T.D.Deshmukh for the Petitioner.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

June 26, 2006.

P.C. :

The concurrent finding of fact is that the premises were not used continuously for a period of six months prior to the date of the institution of the suit. The records of the telephone bills and of the consumption of electricity establish that the premises have not been used. The concurrent findings do not call for interference. The

Petition is dismissed. However, the Petitioner is granted time to vacate the premises until 30th September 2006, subject to the filing of the usual undertaking within a period of two weeks from today.